



# NATIONAL TRANSLATOR ASSOCIATION

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2355 Ranch Drive, Westminster, CO 80234 \* 303-465-5742 Fax 303-465-4067

Office of the President

Office of the Secretary (1800)  
Federal Communications Commission  
1919 M Street NW (Room 222)  
Washington DC 20554

RE: RM-9260, Petition for Rulemaking for Class A Television Service

Ladies and Gentlemen:

The National Translator Association offers its comments in general support of the petition by the Community Broadcasters Association for establishing a "Class A" TV Service.

Our detailed comments are attached.

Very truly yours,

B.W. St. Clair  
President

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Office of the President

## COMMENTS OF THE NATIONAL TRANSLATOR ASSOCIATION IN RM-9260, PETITION OF THE COMMUNITY BROADCASTERS ASSOCIATION FOR THE ESTABLISHMENT OF A "CLASS A" TELEVISION SERVICE

The National Translator Association (NTA) submits the following comments in response to the amended Petition for Rulemaking filed by the Community Broadcasters Association.

The comments follow the section numbering in the draft of the proposed rule changes.

73.627(a) would require applications for Class A television licenses to be filed within one year of the effective date of the rules.

If Class A status is an appropriate idea it is good on an ongoing basis. There seems to be no logical reason to have a single one time opportunity for LPTV station to achieve this status. NTA recommends that if Class A is established that there be no ending time for such applications.

73.627(b) (ii) requires not less than 3 hours of locally produced programming.

NTA believes that translators which operate as fill-in translators covering area(s) within the grade B contour of the primary station should be deemed to meet the local origination requirements for Class A status based upon the local origination schedule of the primary station and be eligible for Class A status if all of the conditions enumerated elsewhere are met.

73.627 (b)(iii) proposes the use of the principal city contour as the defining area within which local programs must be produced.

The NTA believes this is overly restrictive. For example an LPTV station with an omnidirectional ERP of 10 KW and an HAAT of 45 meters (148 ft) could well serve a small community but the principal city contour would extend only to 6.91 km (4.3 miles). The NTA feels that it would be more logical to use the Grade A contour as given by section 73.683(a) as the defining contour. The distance to the Grade A contour in the example would be 9.72 km (6.0 miles) which would still tie the local origination to the local community but without unduly restricting the location of productions.

73.627 (c)(iv) would require a showing of non-interference to existing full service stations, low power television stations or translators. This showing appears to be redundant as the LPTV station proposing to change to Class A status would be a properly operating station under part 74 and would create no new interference by a change in designation.

73.627 (d) and (e) seem to allow immediate major changes by a station that achieves Class A status and sets forth higher power limits.

NTA feels very strongly that a Class A station should be able to apply for a major change of any kind only in full compliance with the procedures which are in effect at the time for LPTV stations to make such a change. Specifically an application for such a change should be made only at a time when existing non-Class A LPTV stations and translators could also apply and that meeting the interference protection rules of 74.707(a), (b) and (c) continue to be a requirement.

The Commission has estimated that some 10 to 20 per cent of conventional TV translators will need to change channel or cease operation, as the result of the DTV Table, and as many as 17 per cent of conventional TV translators are being affected by the reallocation of Channels 60-69, DTV Sixth Further Notice, 11 FCC Rcd 10968 (1996), ¶66.

This implies extinguishment or significant changes for as many as 1,300 to 1,800 translators. With the DTV Recon., the translator licensees finally have a stabilized frequency plan, so that changes can be planned and applied for. Permitting Class A stations to make peremptory changes at any time in the future would jeopardize all such plans, and leave the frequency environment permanently unsettled.

Coordinated States and regional plans are getting underway in Utah, the Pacific Northwest and elsewhere. Existing LPTV's have been authorized in compliance with required spacing, and pose no obstacle to such plans. But if Class A stations are authorized to change facilities in disregard of existing translator service patterns, such State and regional plans are likely to be rendered impractical.

From an equitable standpoint, Class A has merit to the extent that it would reward existing originating LPTV stations and protect substantial past investment. The equities shift, however, if such stations are permitted to modify facilities, regardless of new destructive interference created to existing translators, possibly including "life line" rural services that cannot be replaced, and key links to translator service aligned in series (daisy chains).

Ironically, the change provisions as proposed could have the effect of Class A LPTV's displacing non-Class A LPTV's. There is no basis for assuming that the public benefit of enhanced status for an LPTV in the Class A category outweighs the public detriment of lost

LPTV service, in congested markets where that might occur.

Further, NTA opposes the proposed increase in maximum effective radiated power. A change to ERP limits and effectively an increase in the LPTV power limits was granted in the 6th Report and Order in MM Docket 87-268 about a year ago. It is only prudent to see how the ERP limits established there work in practice before increasing them further.

73.627(g) states in part...

An application for a change of channel filed by a Class A television station to avoid interference that would be caused to be received from a full power digital television station based on the Class A station's authorized facilities shall be given priority over an application for a change of channel by a lower power television station or television translator.

NTA opposes establishing a priority for Class A stations making a major change under any circumstances. Non-Class A LPTV station and translators were each established on the basis of meeting interference criteria with respect to existing stations at the time of their authorization and with the presumption of protection in the future from any new or changed station except those built in accordance with the allocation table of section

73.606(b). LPTV stations and translators have already been badly impacted by the digital TV allotments and we see a negative public interest effect if such stations are subjected to any further preemptions whatsoever.

New Sections 73.622(I) would seem to allow a Class A station to apply for an additional channel for digital operation without protecting other LPTV or translator stations.

If second channels are allowed for Class A DTV operations, TV translators face a further round of displacement wherever a second channel is authorized. The effect is likely to be fairly limited, because there is little likelihood that LPTV stations will be in a position to inaugurate second, DTV service for many years. But again, there are few equities favoring the grant of a second channel to Class A stations, where it would result in the extinguishment of established service via TV translators or non-Class A LPTV stations.

NTA believes a Class A station should be on an equal footing with LPTV stations and translators with respect to gaining additional channels or making changes for any purpose.

### Summary

Basically NTA supports the concept of Class A television stations as outlined in the Community Broadcasters Association Petition for Rulemaking as ammended, subject to the proviso that a station with Class A status not have any preemptive rights over LPTV stations and translators in making a major change whether such change is voluntary or as the result of a displacement.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "B.W. St. Clair".

B.W. St. Clair  
President